



PATENT  
IOS9601CIPD

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: D'Ausilio, R. et al.

Examiner: Swiatek, Robert P.

Serial No.: 10/779,869

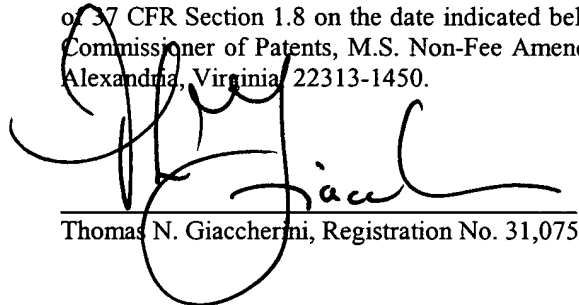
Group Art Unit: 3643

Title: **In Orbit Space Transportation  
& Recovery System**

Filed: 17 February 2004

**CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8**

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to Commissioner of Patents, M.S. Non-Fee Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Thomas N. Giaccherini, Registration No. 31,075

Date 21 July  
2005.

**FIRST PRELIMINARY AMENDMENT**

Commissioner of Patents  
M.S. Non-Fee Amendment  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The Applicants submit this First Preliminary Amendment to more particularly point out the subject matter which the Applicants regard as their Invention. The Applicants recently submitted Second, Third and Fourth Disclosure Statements to the U.S. Patent Office on 14 July 2005 to report the results of new searches conducted by the European Patent Office, the Applicants, and the United States Patent Office.

### **APPLICATION HISTORY**

In the First Office Action mailed on 22 March 2005, the Examiner issued a Requirement for Restriction. This First Preliminary Amendment does not constitute a response to the Office Action mailed on 22 March 2005, but, instead, amends the Pending Claims in the Present Application before an Election is submitted in response to the Requirement for Restriction. No Office Action has yet been mailed by the Patent Office which contains an examination on the merits. Accordingly, the Applicants respectfully submit that this Preliminary Amendment is properly submitted under the Patent Office Rules.

## **INDEX OF AMENDMENT SECTIONS**

- Section A- Amendments to the Claims, including a Complete Listing of All Pending Claims, as currently amended, in accordance with New Patent Rule 1.121.
- Section B- Remarks
- Section C- Conclusion- Request for Allowance of Claims